



06-25-07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stormann et al.

Serial No.: 09/679,664

Filed: October 3, 2000

For: G-PROTEIN FUSION RECEPTORS
AND CONSTRUCTS ENCODING SAME

Confirmation No.: 7662

Examiner: R. Landsman

Group Art Unit: 1647

Attorney Docket No.: 1959-7394US
(N-019 US)

Notice of Allowance Mailed:

March 28, 2007

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV962535861US

Date of Deposit with USPS: June 22, 2007

Person making Deposit: Cat Bratton

TRANSMITTAL LETTER

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith Part B - Fee(s) Transmittal for the above-captioned application and a check in the amount of \$1,430.00 in payment therefor plus ten (10) copies of the patent when issued.

Serial No.: 09/679,664

Also enclosed is a complete copy of the Transmittal of Formal Drawings previously filed on November 22, 2002 (116 sheets, Figures 1a-16e) and Comments on Statement of Reasons for Allowance (3 pages).

Applicants understand that no additional fees are required. However, if the Office determines that any comparison fees or other additional fees are required, the Commissioner is authorized to charge any such fees to TraskBritt Deposit Account No. 20-1469. A copy of this Transmittal Letter is enclosed for deposit account charging purposes.

Respectfully submitted,



Edgar R. Cataxinos
Registration No. 39,931
Attorney for Applicants
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: June 22, 2007
ERC/dn:tlp

Enclosures: Part B - Issue Fee Transmittal (1 page)
Check No. 23761 in the amount of \$1,430.00
Copy of Transmittal Letter (2 pages)
A complete copy of the Transmittal of Formal Drawings previously filed on
November 22, 2002 (116 sheets, Figures 1a-16e)
Comments on Statement of Reasons for Allowance (3 pages)

Document in ProLaw



Atty. Dkt. No. 072827-1801

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas Stormann et al.

Title: G-PROTEIN FUSION RECEPTORS
AND CHIMERIC GABAB
RECEPTORS

Appl. No.: 09/679,664

Filing Date: 10/03/2000

Examiner: Robert S. Landsman

Art Unit: 1647

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.</p> <p><u>Irene Grimes Betke</u> (Printed Name)</p> <p><u><i>Irene Grimes Betke</i></u> (Signature)</p> <p><u>November 22 2002</u> (Date of Deposit)</p>

TRANSMITTAL OF FORMAL DRAWINGS

Commissioner for Patents
Washington, D.C. 20231

ATTENTION: DRAWING REVIEW BRANCH

Sir:

Transmitted herewith are the formal drawings (116 sheets, Figures 1a-16e) for the above-identified application. The Official Draftsperson is respectfully requested to approve these drawings for entry into the application.

Respectfully submitted,

Date 11/22/02
FOLEY & LARDNER

By *Wesley B. Ames*
Wesley B. Ames
Attorney for Applicant
Registration No. 40,893



33588

PATENT TRADEMARK OFFICE

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed March 28, 2007, and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Reasons for Allowance accompanying the Notice of Allowance dated December 11, 2006.

In the Notice of Allowance dated December 11, 2006, the Examiner indicates:

No further rejection under 35 USC 103 is being made. Even though the G proteins of Claim 42 were known at the time of the instant invention, the Examiner is unable to make a *prima facie* case that these G proteins do not normally couple to the claimed GPCRs under wild-type conditions. Therefore, this limitation appears to circumvent the prior art.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The Independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,



Edgar R. Cataxinos
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